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Agenda items 9 and 119

Security Council
Sixty-fifth year

Report of the Security Council

Question of equitable representation on and increase in the membership of the Security Council and related matters

Identical letters dated 15 April 2010 from the Permanent Representative of Egypt to the United Nations addressed to the President of the General Assembly and the President of the Security Council

I have the pleasure to write to you today, in my capacity as Chair of the Coordinating Bureau of the Non-Aligned Movement concerning the open debate of the Security Council, to be held on 22 April 2010, on the implementation of the note by the President of the Security Council (S/2006/507) dated 19 July 2006.

In order to have a rich debate on the subject matter on 22 April, that could lead to achieving our mutual goal of improving the working methods of the Security Council, I am attaching herewith, for your consideration and the consideration of the members of the General Assembly, the Non-Aligned Movement's position concerning the working methods of the Security Council as stipulated in the relevant paragraphs of the Final Document (A/63/965-S/2009/514), adopted by the Fifteenth Summit of Heads of State and Government of the Non-Aligned Movement, held in Sharm el-Sheikh, in July 2009, with a view to assisting the Security Council in its efforts to achieve the desired progress in reforming the working methods of the Council (see annex).

It is further essential to reiterate that the Non-Aligned Movement attaches great importance to the issue of improving the working methods of the Security Council to increase the transparency, efficiency and legitimacy of the Council. Accordingly, the Non-Aligned Movement presented in this regard several initiatives, since the launch of the Security Council reform process, including, but not limited to, the comprehensive negotiating paper submitted by the Movement to the Security Council and the General Assembly in 1996, as contained in the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase

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in the Membership of the Security Council and Other Matters Related to the Security Council (A/51/47).

In this regard, I stress the importance that the Non-Aligned Movement attaches to having its positions taken into consideration in any possible outcome of the open debate of the Security Council.

I should highly appreciate if the present letter and its annex could be circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Maged A. **Abdelaziz**
Ambassador
Permanent Representative

Annex to the identical letters dated 15 April 2010 from the Permanent Representative of Egypt to the United Nations addressed to the President of the General Assembly and the President of the Security Council

Non-Aligned Movement's position concerning the working methods of the Security Council as stipulated in the relevant paragraphs of the Final Document (A/63/965-S/2009/514), adopted by the Fifteenth Summit of Heads of State and Government of the Non-Aligned Movement, held in Sharm el-Sheikh, in July 2009

Call on the Council to avoid resorting to Chapter VII of the Charter as an umbrella for addressing issues that do not necessarily pose a threat to international peace and security, and to fully utilise the provisions of other relevant Chapters, where appropriate, including Chapters VI and VIII, before invoking Chapter VII which should be a measure of last resort, if necessary. (para. 67.7)

Call upon the Security Council to uphold the primacy of and respect for the Charter in connection with its functions and powers and stresses once again that the decision by the Security Council to initiate formal or informal discussions on the situation in any Member State of the United Nations or any issue that does not constitute a threat to international peace and security is contrary to Article 24 of the Charter. (para. 67.4)

They stressed that the Security Council must fully observe all Charter provisions as well as all General Assembly resolutions, which clarify its relationship with the latter organ and other principal organs. In this context, they affirmed that Article 24 of the Charter does not necessarily provide the Security Council with the competence to address issues which fall within the functions and powers of the General Assembly and the ECOSOC, including in the areas of norm-setting, legislation, administrative and budgetary matters, and establishing definitions, bearing in mind that the Assembly is primarily tasked with the progressive development of international law and its codification.[1] The Heads of State and Government expressed their grave concern over the increasing and continuing encroachment by the Council on issues which clearly fall within the functions and powers of other principal organs of the United Nations and their subsidiary bodies. They further stressed that close cooperation and coordination among all principal organs is highly indispensable in order to enable the United Nations to remain relevant and capable of meeting the existing, new and emerging threats and challenges. (para. 57)

The Heads of State and Government reiterated its concern over the continuing encroachment by the Security Council on the functions and powers of the General Assembly and the Economic and Social Council through addressing issues which traditionally fall within the competence of the latter organs, and the attempts to enter areas of norm-setting, administrative and budgetary matters and establishing definitions which fall within the purview of the Assembly. (para. 59)

[1] In accordance with Article 13 (1) of the United Nations Charter.

Oppose and stop attempts to shift issues under the agenda of the General Assembly or the ECOSOC to the Security Council, and the encroachment by the latter on the functions and powers of the Assembly. (para. 60.7)

Call for more regular interactions between future July's Presidency of the Security Council and the wider membership of the United Nations, which can help enhance the quality of such reports. (para. 60.2)

Call on the Security Council, pursuant to Articles 15 (1) and 24 (3) of the United Nations Charter, to submit special reports for the consideration of the General Assembly. (para. 60.4)

Call on the Security Council to ensure that its monthly assessments are comprehensive and analytical, and issued in a timely fashion. The General Assembly may consider proposing parameters for the elaboration of such assessments. (para. 60.5)

Call on the Security Council to fully take into account the recommendations of the General Assembly on matters relating to international peace and security, consistent with Article 11 (2) of the Charter. (para. 60.6)

Transparency, openness and consistency are key elements that the Security Council should observe in all its activities, approaches and procedures. Regrettably, the Council has neglected these important factors on numerous occasions. Such instances include unscheduled open debates with selective notification, reluctance in convening open debates on some issues of high significance, repeatedly restricting participation in some of the open debates and discriminating between members and non-members of the Council particularly with regard to sequencing and time limits of statements during the open debates, failure to submit special reports to the General Assembly as required under Article 24 of the Charter, submission of annual reports still lacking sufficient information and analytical content, and lack of minimal parameters for the elaboration of the monthly assessment by the Security Council Presidencies. (para. 66.6)

The reform of the Security Council should be addressed in a comprehensive, transparent and balanced manner. It should ensure that the agenda of the Council reflects the needs and interests of both developing and developed countries, in an objective, rational, non-selective and non-arbitrary manner. (para. 66.7)

Call on the Council to increase the number of public meetings, in accordance with Articles 31 and 32 of the Charter, and that these meetings should provide real opportunities to take into account the views and contributions of the wider membership of the United Nations particularly non-Council members whose affairs are under the discussion of the Council. (para. 67.1)

Call on the Security Council to allow briefings by the Special Envoys or Representatives of the Secretary-General and the United Nations Secretariat to take place in public meetings, unless in exceptional circumstances. (para. 67.2)

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Agenda item 111 (d)
Elections to fill vacancies in subsidiary organs and other elections: election of the Executive Director of the United Nations Environment Programme

Elections to fill vacancies in subsidiary organs and other elections: election of the Executive Director of the United Nations Environment Programme

Note by the Secretary-General

1. The General Assembly, in section II, paragraph 2, of its resolution 2997 (XXVII) of 15 December 1972, decided that the secretariat of the United Nations Environment Programme (UNEP) should be headed by the Executive Director of the Programme, who should be elected by the Assembly, on the nomination of the Secretary-General, for a term of four years.

2. In its decision 60/409 of 16 March 2006, on the proposal of the Secretary-General, the General Assembly elected Achim Steiner (Germany) to be Executive Director of the Programme for a four-year term of office, beginning on 15 June 2006 and ending on 14 June 2010.

3. In accordance with the above-mentioned provision of resolution 2997 (XXVII), the Secretary-General wishes to nominate Mr. Steiner for re-election as Executive Director of UNEP for a term of four years, beginning on 15 June 2010 and ending on 14 June 2014.

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Sixty-fourth session
Agenda item 111 (b)
Elections to fill vacancies in subsidiary organs and other elections: election of the United Nations High Commissioner for Refugees

Elections to fill vacancies in subsidiary organs and other elections: election of the United Nations High Commissioner for Refugees

Note by the Secretary-General

1. By its decision 59/420 of 27 May 2005, the General Assembly, on the proposal of the Secretary-General (see A/59/241) elected Antonio Manuel de Oliveira Guterres as United Nations High Commissioner for Refugees for a period of five years, beginning on 15 June 2005 and ending on 14 June 2010.

2. The Secretary-General proposes to the General Assembly that the term of office of Mr. Guterres be extended for a period of five years, beginning on 15 June 2010 and ending on 14 June 2015.

3. In accordance with the above-mentioned provision of the General Assembly, Members may wish to recall that by paragraph 9 of its resolution 58/153 of 22 December 2003, the Assembly decided to remove the temporal limitation on the continuation of the Office of the High Commissioner contained in its resolution 57/186 and to continue the Office until the refugee problem is solved.

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Agenda items 16, 49 and 67

Question of Palestine

Culture of peace

Elimination of racism, racial discrimination, xenophobia and related intolerance

Security Council
Sixty-fifth year

Letter dated 20 April 2010 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General

In my capacity as Chair of the Group of Arab States for the month of April 2010, I wish, on behalf of the States members of the Group, to draw your urgent attention to the serious matter of the Israeli desecration of the Ma'man Allah (Mamilla) Cemetery, a Muslim cemetery in Jerusalem. This issue, which was raised in a letter and detailed annex conveyed to you by the Permanent Observer of Palestine to the United Nations on 9 April 2010 (A/ES-10/486-S/2010/184), is of critical importance to the Arab Group.

Since the twelfth century, the Ma'man Allah Cemetery has been the burial site for thousands of Palestinian families, as well as scholars, religious figures and officials. The Ma'man Allah Cemetery was declared a historic site by the Muslim Supreme Council in 1927 and was pronounced an antiquities site by the British Mandate authorities in 1944. Today, regrettably, many of the descendants of the families buried there are now tragically bearing witness to the malevolent uprooting and desecration of the human remains and graves of their ancestors by the Israeli authorities, who are bulldozing large areas of the Cemetery for the purpose of establishing a so-called "Centre for Human Dignity and Museum of Tolerance" atop the remains of the Muslim men, women and children buried there. Additionally, in the past, the Ma'man Allah Cemetery has been subjected to vandalism, destruction and desecration by radical Israeli settlers.

These Israeli actions are being taken in total disregard of the Palestinian heritage in Jerusalem and the human and religious sensitivities concerning burial sites, which are to be preserved and protected. Moreover, these actions are reflective of a deep and callous disrespect for the most basic values of tolerance and respect for the heritage, culture and religion of another people and clearly constitute yet

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another attempt by Israel to erase the Palestinian Arab identity, history and presence in the land, and particularly in the City of Jerusalem.

In this regard, it is imperative to recall that the protection of cultural heritage and cultural property, including religious sites such as cemeteries, is guaranteed by international human rights instruments such as the World Heritage Convention of the United Nations Educational, Scientific and Cultural Organization, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. Moreover, such actions constitute violations of the right to manifest religious beliefs, the right to family and culture, and the right to freedom from discrimination. These rights and principles have been invoked by thousands of petitioners, including Muslim, Christian and Jewish personalities from around the world, who have voiced their outrage and their opposition to Israel's immoral, unethical and illegal actions in the Ma'man Allah Cemetery.

The States members of the Arab Group also affirm their strong condemnation of these deplorable Israeli measures in the Ma'man Allah Cemetery in Jerusalem, an issue which threatens to further inflame tensions and religious sensitivities in the region and beyond. The Arab Group thus calls upon Your Excellency to give this matter urgent attention. The international community must denounce the desecration of the Ma'man Allah Cemetery and must undertake all efforts to compel Israel to suspend completely its illegal and provocative actions in this regard and halt all construction in the Cemetery, and to undertake efforts to properly, with the utmost sensitivity and conscience, redress the matter in order to preserve and protect this historic, religious site of great importance to Palestinian Arab and Muslim heritage.

I should be grateful if you would arrange to have the present letter distributed as a document of the General Assembly, under agenda items 16, 49 and 67, and of the Security Council.

(*Signed*) Mansour **Al Otaibi**
Chair of the Arab Group
Ambassador
Permanent Representative